

A further Inquiry

FOR

TRUTH

For the better satisfaction of scrupulous  
CONSCIENCES.

*Reade and Judge:*

L O N D O N

Printed in the Year 1642.

Whether may the King be disobeyed, and his commands withstood, or not? Whether He is to be opposed in his proceedings by any command of the Parliament? Or whether are we now to obey King or Parliament?

*Ans. 1.* First, some Princes think, that they may lawfully do, whatsoever they have power to do, or can do; but the contrary seems truer (both by light of Reason, Religion, and all power intrusted by Law in the hands of any) *viz.* that Princes have no power to do, but what is lawfull, and fit to be done.

*Ans. 2.* Secondly, personall actions of superiours be disobeyed. The Gramarians say, *Rex regis, à rego*, the word *King* comes from *Governing*, because *Kings* are no other, but more *high*, and *supreme Governours*, and *Magistrates*. Now some hold (and I think warrantably) that if any Magistrate, or Judge, do pursue a man, not judicially, and by order of Law, but invade him by violence, without any just cause against all Law, that then in so doing he is to be held as a private person, and as such we may defend our selves against him. As for example, a woman may defend her own body against an adulterer, though a Magistrate. A servant may hold his masters hands, if he seek to kill wife or children in his rage. Marriners, and Passengers may resist him who stands at helm, if they see that he would run the ship against a rock; yea they might hold the Princes hands, if being at the helm he misgoverns the ship, to their certain shipwrack, without prevention; because by his governing thereof, he hazards both his own life, and theirs, and they by holding of his hands, prevent both his, and their own ruine (which seem to be our present ease) and therefore, much more may the *whole Body* defend it self against any such unjust and unlawfull invasion, as will endanger the safety and welfare of all.

*Ans. 3.* Thirdly, the Kings personall, that is, verball commands without any stamp of his authority upon them, and against the *Order of both Houses of Parliament*, I imagine may be disobeyed. For I do conceive that no Lawyer will say, that suppose the King should take the *Broad Sea of England* from the Lord Keeper into his own hands, that all the Writ whatsoever he should issue forth sign'd with his own hand, & sealed there



with, ought to be obeyed: for it is not the stamp and impression of the Seal which makes a thing lawfull, but the Keeper thereof ought to be a Lawyer, and (by his place) should not for fear, or favour, signe any Writs therewith, but such as are legall, and if he do otherwise, he is liable to be questioned, and censured by a Parliament. And therefore doubtlesse, when Writs and Precepts are issued forth without the *broad Seal*, or without a regall, that is, legall, authority (as all the Writs and Commissions, for executing the Commission of Array, are, as is proved both by the Parliament and others) they may be disobeyed, and withstood, especially when they are destructive to the Commonwealth.

*Ans. 4.* Fourthly, Princes by Parliaments may be withstood, when they desire, or endeavour those things, which tend to the envassalling of their people. Kings (we know) sometimes have loved their enemies more then their friends, and have marched forth amongst their enemies, to encounter with their friends. As for example, *Richard the 2.* thought *Spencer* and his confederates his best friends, though they were base sycophants, and bainefull foes, and conceited that his Peers (who were his loyallest Subjects) were the truest Traytors; And hence Princes being abused by the flattery of private persons (for some wicked ends of their own) have followed their private perverse counsels, before the grave, loyall and faithfull advice of their sage Senate. Now that it is lawfull for Parliaments to withstand Princes, who make unlawfull war upon their people, is so evidently proved, by the Author of that lately come forth, and learned and pious Treatise, called, *A sovereign Antidote to prevent Civil Wars*, pag. 6, 7, 8, 9, &c. that at present I wholly silence it.

*Ans. 5.* Fifthly, the matter with us is quite and generally mistaken, and the Question altogether wrong stated, *viz.* Whether we should obey the King, or Parliament: for the King and Parliament are not like two parallel lines, which can never meet, nor like two incompatible qualities, which cannot be both in one Subject, nor like the Ark and Dagon, whom one house will not hold, nor like God and Mammon, which one man cannot serve, for by siding with, and assisting of the Parliament, in those things which are according to Law, we side with, and serve the King.

Two things are here distinguishable, to wit,

1. In our obeying of the Parliament according to Law, we obey the King. That his Majesty grants, commands and commends, yea professeth, that he requires no obedience of us to himselfe, farther then he enioynes that which is Law, lawfull and just, And,

2. In our obeying of the Parliament in this present Military and Martiall design, we stand for the King, not against him: that is, for the good of his soule, person, estate, honor and posterity; of which a word or two severally. 1. They stand for the soule of their Sovereign, who withstand him (having a lawfull call, and warrant thereunto) from doing those things which (if he do) he can never justifie in the court of conscience, nor at the great chancery day of judgement, but must sink under the sentence of condemnation, for those unlawfull and unjustifiable facts. And therefore the Parliament (and we in obedience unto them) are friends unto the soule of our dread Sovereign, in not obeying, aiding and assisting of him, to make unnaturall, unlawfull and unwarrantable Wars, upon his Parliament and people, which can never be defended, or justified, before or unto God, to whom the Mightiest aswell as the meanest, must give a strict account of all their actions at the last day. And 2. They stand for the Kings Person, who obey, joyn, and side with the Parliament. His Majesties person is now environed by those, who carry him, (as far as the eye of humane probability can see) upon his own ruine, and the destruction of all his good people: which the Parliament seeing, they labour to free him from such false hands, by this twofold meanes, *viz.* 1. By perswading, besecching, and most humbly soliciting his Majesty to foretake them, and to rejoyce and make glad the hearts of his Parliament and people, by conjoyning himselfe with them. But this request, suit and supplication will not yet be granted, though with much importunity and many loyall expressions desired. And 2. By labouring to take his evill Councillors from him: they being confidently assured, and piously perswaded of the Kings sweet disposition and readinesse to comply with them, in any thing which might conduce to the good, either of Church or Common-wealth; if he were not over swayed and deluded by the fained flattering and crafty counsell of those about him, who look with a sinister eye upon our State. Now this seems to me to be all that is aimed at, in this present Military and Martiall design: for the Parliament do not purposely, and in their first intentions, intend by their souldiers



diere to cut off any (for if any be slain by them, it is by accident) but to preserve and keep the peace of the Kingdom, to maintain the priviledges of Parliament, the Laws of the Land, the free course of justice, the Protestant Religion, the Kings authority and person in his royall dignity, and to attach, arrest, and bring such as are accused, or imagined, to be the disturbers, and fire-brands of the Kingdom, unto a fair, just, equall and legall triall, which no man can think unlawfull in our Law-makers. And therefore both Senators and Subjects in the prosecution of this design, stand for the safety of their Princes person. And

3. They stand for his State, Wealth, honor, and reputation, for I conjoyn all these together. Kings acquire and accumulate more honour, respect, wealth and power, by their meeknesse towards, tender love of, and vigilant care for their Subjects, and their safety (as we see in Queen *Elizabeth* and *Tiberius*, so long as he was such) then by tyrannizing over and cruelly oppressing and handling of them, as we see in *Caligula*. If our gracious Sovereign, would be but pleased, to consider the honour and prosperity which his Predecessors have enjoyed, by following the advice of their Parliaments, and the dishonor our Nation hath in divers designs received abroad, and the grievous troubles, vexation and discord we have had at home, since Parliaments have bin disused, and layd asleepe, he would then certainly see, that they seek his wealth, honor, reputation & welfare, who desire to reconcile and conjoyn him unto his Parliament, and advise him to govern his people by Parliaments, and endeavour to free him from the power, and hands of those, who being in themselves, desire likewise to make him an enemy unto Parliaments. And

4. They stand for his Posterity: For as evill gotten goods slip and wast away, and seldome continue to the third generation: so Kings cannot be sure that their posterity shall peaceably and successively enjoy their Crowns, except themselves rule and govern according to Law, righteousnesse only establishing the Crowne and Throne, both upon Princes and their posterity. And therefore they who assist not the King in those things, wayes and courses, which are illegall, grievous, yea destructive to the Common-wealth, are his Childrens and posterities best friends.

I conclude this Question with this Argument.

Argu<sup>3</sup>

*Argu.* Those who labour with their lives and estates, to defend and maintain the Kings Soul, Honour, Reputation, Wealth, person and posterity, obey and stand for Him.

*Quest.* But the Parliament, and all those who side with them in this present design, labour with their lives and estates, to maintaine and defend the Kings Soul, Honour, Reputation, Wealth, Person and posterity.

Therefore the Parliament, and all those who side with them in this present design, in so doing, obey and stand for Him.

It should seem by what hath been spoken, That neither the Parliament nor People, doth intend the least indignity, dishonour or disloyalty to the King: and it is most perspicuously and clearly to be seen, in all the Kings gracious Messages and Declarations, That he hath no design upon his people or Parliament, neither intends any harm, opposition or oppression unto them, but professeth to rule them according to Law and equity: How then comes it to passe, that either the Parliament will not or dare not confide in the King?

*Answ.* 1. First, it is because they see that some about the King, are potent with Him, who affect not the Parliament, nor their proceedings, have that influence in his Counsels, and are so predominant and prevalent with Him, that they have often varied and altered him, from his words and promises. It is a Maxime in Law; *The King can do no wrong*: for if any evill act be committed in matter of State, his Counsell, if in matters of Justice, his Judges, must answer for it: and therefore I will not lay any fault upon the King, but rather impure the faulces which have been of late obvious to many, unto some about him, or in great favour with him. Great discouragements (I grant) the Parliament in their proceedings have had from the King, but I dare not imagine that they came originally and primarily from Him, but from some about him, in regard of that vast difference which is between his words spoken to his Parliament with his own mouth, when he was with them, and the Messages sent unto, and the heavy charges layd upon them, in his Letters and Declarations, now when he is absent from them. He said once, *That in the word of a King, and as He was a Gentleman, he would redresse the grievances of his People, as well out of the Parliament as in it.* Again, *That He was resolved to put Himself freely and clearly upon the Love and affection of his English*



*His Majesty* againe, we do praye unto your Majesty for the preservation of all, and every one of you from violence, is, and ever shall be as much our care, as the preservation of us and our children: And yet what actions and passages have of late fallen out, quite contrary to all those expressions? the Parliament and all who side with it, assist it, or obey it, in any of the commissions or Orders thereof, being assaulted, opposed, yea now at last proclaimed Traitors. Again, His Majesty doth professe the detestation of a civill war, and abhorres (as he saith) the very apprehension of it. But this mind seem'd neither to be in them, who came with his Majesty to the House of Commons, nor who accompanied him to Hampton-court, and appeared in a warlike manner at Kingston; nor in divers of those who have been with him and employed by him at Yorke, Hull, Liecester-shire, Lancashire, Sommerfet-shire, Northamptonshire, and other places. And therefore we must needs conceive, that the King is put upon these courses and wayes by his evill counsellors, and consequently, that the Parliament cannot confide in his words and promises, untill those counsellors be put from him, or forsaken by him. And

*Ans. 2.* Secondly, because of that trust which is reposed in them. I dare boldly say, That if the King should take, or make those protestations, which he makes in his messages and Declarations unto any one of the Parliament House, for the performante of any promise either unto them or theirs, which did simply and soly concern themselves, they would believe and obey him, and without any further question confide in him, but they cannot do this in the case, and place, wherein they are. The trust reposed by the people in the Parliament, is as well to preserve the kingdom by making of new Laws, when and where there shall be need, as by observing and putting the Laws already made in execution: And therefore in regard of this trust, they dare not hazard the safety, preservation, and sole manning of the Land to his Majesty alone, upon his bare word, because if after such confiding of theirs in the King, upon his faithfull promise unto them, he should be over-swayed, and seduced by some wicked counsellors, to lay some illegall impositions, taxations and burdens upon his people (as he did soon after the granting of the Petition of Right unto the Subject) the kingdom then would (and might justly) blame them as the authors of their grievances, that had so lightly given away their liberties and freedom, by subjecting them to an arbitrary power. And indeed, if we will but consider it without passion and partiality, the case is no other but this, If the Parliament should wholly confide in the Kings words and promises, then there were no more requisite in them, then this, to make a Declaration unto his Majesty of the grievances, burdens, annoyances and illegall proceedings in all, or such and such courts or persons, to the great oppression and heart-break of the Subject, and having so done, to obtain some serious promise and protestation from the King to take off all those pressures, and to be carefull for the future, that no such shall be imposed upon them, and then to confide in the King, and to breake up the Parliament, and repaire every one to his owne house. Now if Sence, Reason, Experience and knowledge will tell us that this is far from, or comes far short of the true nature, and duty of a Parliament, then let

as the true reason (as the case now stands) that the Parliament should not confide in the King. And

*Ans. 3.* Thirdly, because it were very dangerous for the time to come. Admitting our present Sovereign were as prudent as *Solomon*, yea as pious as *David* (yea like him, a man after Gods own heart) yet it were dangerous for the Parliament so to confide in him, that they should trust the manning of all the great and weighty affairs of this kingdom wholly and solely unto him, and consequently granting him an arbitrary power, to rule us, according to the dictates of his own conscience, or as the Lord should move and perswade his heart. This (I say) is not safe, because if they grant, give or settle this power upon him, as King of *England*, then all other succeeding Kings will challenge and claim it as due; (or think they are not respected as their predecessors) whence if any of them prove Tyrants or tyrannous oppressors, we shall be most miserable and wretched slaves.

*Ob.* Some perhaps may here object, that although Princes should not use their absolute power by doing alwayes what they list, yet they ought not to be circumscribed, limited, or restrained in their government, by any tie or obligation of Law.

*Ans. 1.* First, it is much better (considering the corruption of our nature) to be withheld by some restraints of Law and covenant, from that which is eyill, and which we cannot justifie before God in the court of conscience, then to be boundlesse, lawlesse, and left to live as we list, and to do whatsoever seems good in our own eyes.

*Ans. 2.* Secondly, this also is better for others: for as the *Crahe* had better to keep his head out of the Wolves mouth, then to put it into his mouth, and then stand at his mercy, whether he will bite off his neck or not, so it is better for every wise man, rather to keep and preserve those immunities, freedoms, prerogatives, and priviledges, which God and nature hath given unto him, for the preservation, prosperity and peace of his posterity, person and estate, then to disfranchise himselfe and to relinquish and resign all into the hands of another, & to give him power either to impoverish or enrich, either to kill him, or keep him alive.

**F I N I S.**

As to the last part of the question, which is, whether the King should be bound by the Law, or not, I have already answered it in the former part of this discourse, and have shown that the King is bound by the Law, and that he is not to be above the Law, but to be under it, and to be subject to it, as all other men are. And I have also shown that the King is bound by the Law, and that he is not to be above the Law, but to be under it, and to be subject to it, as all other men are.



